

**COMMONWEALTH OF KENTUCKY
CITY OF TAYLORSVILLE
SPENCER COUNTY, KENTUCKY**

ORDINANCE NO. 362

**OWNERS AND ADJOINING OWNERS OF BUSINESS,
COMMERCIAL AND/OR INDUSTRIAL REAL ESTATE
SHALL BE RESPONSIBLE FOR MAINTAINING A
PRIVATE ROAD, STREET OR THOROUGHFARE OVER
OR THROUGH REAL ESTATE OWNED BY THE OWNER
AND/OR BY THE ADJOINING OWNERS WHICH IS OPEN
TO THE PUBLIC FOR USE.**

WHEREAS, pursuant to the police powers in the City of Taylorsville as granted Cities within the Commonwealth of Kentucky, pursuant to the Kentucky Constitution and pursuant to other laws granted to Cities within the Commonwealth of Kentucky by the Kentucky Legislature including, but not limited to, Section 156b of the Kentucky Constitution, KRS 82.082 referred to as the "Home Rule" and KRS 381.770, referred to as the public nuisance statutes and, to promote the public health safety and general welfare of the residents of the City of Taylorsville,

WHEREAS, when a private road, street or thoroughfare is open to the public for the public's use in regard to business, commercial and/or industrial real estate, the owner of the real estate on which the road, street or thoroughfare is located, shall be responsible for maintaining the road, street or thoroughfare in a good and safe condition for travel by the general public until such time as the road, street or thoroughfare becomes a City street, road or thorough fare under provisions of KRS 82.400, and,

The owner of any business, commercial and/or industrial real estate adjoining or abutting

such road, street or thoroughfare, which is used by the general public to access the adjoining or abutting owners' real estate for which a benefit is received by the abutting or adjacent real estate directly or individually, shall be jointly liable for maintaining that portion of said road, street or thoroughfare abutting or adjoining the road, street or thoroughfare until taken over by the City, pursuant to KRS 82.400.

WHEREAS, in the event said road, street or thoroughfare is not safely maintained as determined by the City and/or on complaint from the public, the City, at its option, may take such action as necessary to cure any defect or condition and the real estate owner and/or abutting or adjacent owner of real estate shall be liable for the cost including by the City in regard to curing the defect or condition which shall include any fee such as: cost of repairs, filing fee and/or other costs such as attorney's fees, and a lien may be placed against the real estate for all the costs and fees with interest at the legal rate of eight percent (8%) per annum, pursuant to KRS 360.010, for which the City may file a Notice of Lien with the Spencer County Clerk's office in regard thereto and the City shall have a cause of action to collect said costs and fees accordingly.

Provided however, the City shall first send written notice to the owner and/or to the abutting or adjacent owner, at the last known address, advising of this Ordinance and give the owner(s) ten (10) days to contact the City to make arrangements to correct the defect or condition. If the City is not contacted within the ten (10) day time period, then the City, at its option, may proceed to correct the condition accordingly, as stated above.

This Ordinance shall take effect from and after its passage and publication.



DON PAY, Mayor

ATTESTED BY:



STEPHEN A. BIVEN, City Clerk

Date of First Reading	12-1-15
Date of Second Reading	1-5-16
Date Published	1-13-16